

1 SENATE BILL 587

2 **54TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2019**

3 INTRODUCED BY

4 George K. Munoz

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10 AN ACT

11 RELATING TO LEGAL NOTICES; REQUIRING THAT LEGAL NOTICES OR
12 ADVERTISEMENTS BE PUBLISHED IN A PUBLICATION THAT HAS AN AUDIT
13 OF CIRCULATION.

14
15 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

16 SECTION 1. Section 14-11-2 NMSA 1978 (being Laws 1937,
17 Chapter 167, Section 2, as amended) is amended to read:

18 "14-11-2. REQUIREMENT FOR PUBLICATION OF LEGAL NOTICE OR
19 ADVERTISEMENT.--

20 [~~Any and~~] A. Except as otherwise provided in this
21 section, every legal notice or advertisement shall be published
22 in a daily, tri-weekly, [~~a~~] semi-weekly or [~~a~~] weekly newspaper
23 of general circulation that:

24 (1) can be obtained by single copy [~~and that~~];

25 (2) is entered under the second class postage

.213343.1

underscored material = new
[bracketed material] = delete

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[bracketed material] = delete

1 privilege in the county in which the notice or advertisement is
2 required to be published; ~~[which newspaper]~~

3 (3) has an audit of circulation certified by
4 an independent auditing firm or a business recognized in the
5 newspaper industry as a circulation auditor;

6 (4) if published tri-weekly, semi-weekly or
7 weekly, ~~[shall have]~~ has been so published in the county
8 continuously ~~[and uninterruptedly]~~ during the ~~[period of at~~
9 ~~least]~~ twenty-six consecutive weeks ~~[next prior to the first~~
10 ~~issue thereof]~~ that immediately precede the issue containing
11 ~~[any such]~~ the notice or advertisement; ~~[and which newspaper]~~
12 and

13 (5) if published daily, ~~[shall have]~~ has been
14 so published in the county ~~[uninterruptedly and]~~ continuously
15 during the ~~[period of at least]~~ six months ~~[next prior to the~~
16 ~~first issue thereof]~~ that immediately precede the issue
17 containing ~~[any such]~~ the notice or advertisement. ~~[provided~~
18 that]

19 B. The mere change in the name of ~~[any]~~ a newspaper
20 or the removal of the principal business office or seat of
21 publication of ~~[any]~~ a newspaper from one place to another in
22 the same county shall not break or affect the continuity in the
23 publication of ~~[any such]~~ the newspaper if the newspaper is in
24 fact continuously ~~[and uninterruptedly]~~ printed and published
25 within the county as ~~[provided]~~ required in this section.

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1 ~~[provided further that]~~

2 C. A newspaper shall not lose its rights as a legal
3 publication if it fails to publish one or more of its issues by
4 reason of fire, flood, accident, transportation embargo or tie-
5 up or other casualty beyond the control of the publisher.

6 ~~[provided further that any]~~

7 D. A legal notice ~~[which fails of publication for]~~
8 that is not published the required number of ~~[insertions by]~~
9 times for reasons beyond the control of the publisher shall not
10 be declared illegal if the ~~[publication has been made]~~ notice
11 has been published in one issue of the publication. ~~[and~~
12 ~~provided further that]~~

13 E. If in any county ~~[in this state there has not~~
14 ~~been published any]~~ there is not a newspaper that has been
15 published for the prescribed period at the time when ~~[any such]~~
16 a notice or advertisement is required to be published, the
17 notice or advertisement may be published in any newspaper
18 ~~[having]~~ that has a general circulation or that is published
19 and printed in whole or in part in that county and that can be
20 obtained by single copy in that county."